

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE AGUILAR MARTINEZ,

Petitioner,

vs.

JOHN ASHCROFT,

Respondent.

1:05-CV-0627 OWW WMW HC

ORDER TO SUBMIT NEW  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS AND  
CERTIFIED COPY OF TRUST  
ACCOUNT STATEMENT **OR**  
PAY FILING FEE

Petitioner, a federal prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 together with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, petitioner's application to proceed in forma pauperis did not include the required original signature by an authorized officer of the institution of incarceration. Additionally, petitioner has not filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the petition. See 28 U.S.C. § 1915(a)(2). Petitioner will be provided the opportunity to submit a new application to proceed in forma pauperis and a certified copy of his trust account statement **or** pay the \$5.00 filing fee.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Clerk's Office shall send to petitioner the form for application to proceed  
3 in forma pauperis.

4 2. Within thirty days of the date of service of this order, petitioner shall submit a  
5 completed application to proceed in forma pauperis and a certified copy of his prison trust  
6 account statement for the six month period immediately preceding the filing of the petition, or in  
7 the alternative, pay the \$5.00 filing fee for this action. Failure to comply with this order will  
8 result in a recommendation that this action be dismissed.

9 IT IS SO ORDERED.

10 **Dated: June 14, 2005**  
11 **bl0dc4**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**